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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,807

10/22/2003

Brian V. Sychta

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7590

07/13/2006

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EXAMINER

PHUONG, DAI

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/691,807

Applicant(s)

SYCHTA, BRIAN V.

Examiner

Dai A. Phuong

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,9-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/27/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/14/2006 has been entered. Claims 7-8 and 16 have been canceled. Claim 1-6, 9-15 and 17-21 are currently pending.

### ***Information Disclosure Statement***

2. The references listed in the Information Disclosure Statement filed on 02/27/2006 has been considered by the examiner (see attached PTO-1449 form or PTO/SB/08A and 08B).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 9-15 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. (Pub. No: 20030032460) in view of Richard (Pub. No: 20020111715).

Regarding claim 1, Cannon et al. disclose a method of processing telephone calls from a plurality of telephone sources 120a-120d in a vehicle audio system 100 (fig. 1, [0023]-[0026]. Specifically, Cannon et al. disclose the driver uses a first wireless phone 120a, while the

passengers use respective wireless phones 120b, 120c, 120d), the method comprising the steps of:

providing a first call via a first one of the telephone sources 120b-120d to a user via the vehicle audio system 100 (fig. 8, [0068] to [0073]. Specifically, Cannon et al. disclose the driver receives an incoming call *while a passenger in the vehicle 101* uses the wireless hands-free gateway 100);

notifying the user of a second call received (driver) via a second one of the telephone sources 120a different from the first one of the telephone sources 120b-120d while the first call is active (fig. 8, [0068] to [0073]. Specifically, Cannon et al. disclose the driver receives an incoming call while a passenger in the vehicle 101 uses the wireless hands-free gateway 100. Then, the driver's wireless phone 120a requests priority access to the wireless hands-free gateway 100 via communications over the established piconet network. It should be noted that the active passenger returns to hands mode or manual mode when the driver answers the receiving call).

However, Cannon et al. do not disclose processing an instruction from the user to suspend the first call and accept the second call, wherein the first call is placed in a hold queue within the vehicle audio system without terminating the first call; and in response to a subsequent instruction from user, restoring the first call from the hold queue and again providing the first call to the user via the vehicle audio system.

In the same field of endeavor, Richard discloses processing an instruction from the user to suspend the first call and accept the second call, wherein the first call is placed in a hold queue within the vehicle audio system without terminating the first call ([0112] to [0113]. Specifically,

Richard discloses to answer a telephone call while already on a line, the user presses the Hold pushbutton and then presses the flashing pushbutton of the mobile line to receive the incoming call); and in response to a subsequent instruction from user, restoring the first call from the hold queue and again providing the first call to the user via the vehicle audio system ([0112] to [0113]. Specifically, Richard discloses the Hold pushbutton places the call on hold until either the signal weakens to the point where the connectivity ends or the Hold pushbutton is pressed again).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hand-free gateway of Cannon et al. by specifically including processing an instruction from the user to suspend the first call and accept the second call, wherein the first call is placed in a hold queue within the vehicle audio system without terminating the first call; and in response to a subsequent instruction from user, restoring the first call from the hold queue and again providing the first call to the user via the vehicle audio system, as taught by Richard, the motivation being in order to allow user to access a broad spectrum of information and services from the convenience of the user's vehicle.

Regarding claim 2, the combination of Cannon et al. and Richard discloses all the limitation in claim 1. Further, Richard discloses the method wherein the notifying step comprises providing an audible prompt using the vehicle audio system ([0107]).

Regarding claim 3, the combination of Cannon et al. and Richard discloses all the limitation in claim 2. Further, Cannon et al. disclose the method wherein the audible prompt comprises an indication of the priority of the second call ([0055] to [0074]).

Regarding claim 4, the combination of Cannon et al. and Richard discloses all the limitation in claim 1. Further, Richard discloses the method wherein the processing step comprises placing the first call on hold while the user accepts the second call ([0112] to [0113]).

Regarding claim 5, the combination of Cannon et al. and the combination of Cannon et al. and Richard discloses all the limitation in claim 1. Further, Richard discloses the method wherein the providing step comprises routing audio information from the first phone to the vehicle audio system, and routing output from a vehicle microphone to an input of the first phone ([0106] and [0107]).

Regarding claim 6, the combination of Cannon et al. and Richard discloses all the limitation in claim 5. Further, Cannon et al. the method wherein the processing step comprises routing audio information from the second phone to the vehicle audio system and routing output from a vehicle microphone to an input of the second phone in response to the instruction from the user to suspend the first call ([0055] to [0074]).

Regarding claim 9, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 21, the combination of Cannon et al. and Richard discloses all the limitation in claim 1. Further, Richard discloses the method wherein the subsequent instruction from the user comprises an instruction to terminate the second call ([0012] to [0113] and [0119]).

Regarding claim 10, Cannon et al. disclose an audio system for processing telephone calls from a plurality of telephones in a vehicle (fig. 2, [0035]-[0036]. Specifically, Cannon et al. disclose the wireless phones 120 each establish a piconet network with the wireless multi-user hands-free gateway 100, which includes a BLUETOOTH.TM. piconet front end 230, a

loudspeaker 250 (or interconnection to the vehicle's sound system), a microphone 250, and a suitable audio echo canceller 240), the system comprising: at least one audio speaker 250 (fig. 2, [0035]-[0036]. Specifically, Cannon et al. disclose the wireless phones 120 each establish a piconet network with the wireless multi-user hands-free gateway 100, which includes a BLUETOOTH.TM. piconet front end 230, a loudspeaker 250 (or interconnection to the vehicle's sound system), a user interface 260 (fig. 2, [0035]-[0036]. Specifically, Cannon et al. disclose the audio echo canceller 240 provides cancellation of feedback components picked up by the microphone 260 from being output from the loudspeaker 250) and a controller communicating with an interface to each of the plurality of telephones (fig. 2, [0032]-[0036]. Specifically, Cannon et al. disclose the wireless multi-user hands-free gateway 100 provides only one audio path (i.e., only one set of loudspeaker(s) and microphone), and thus a selection or arbitration among wireless phone members of the piconet must be made by the wireless multi-user hands-free gateway 100, because more than one wireless phone may be in operation in the vehicle), wherein the controller is configured to provide a first call from a first telephone to a user (fig. 8, [0068] to [0073]. Specifically, Cannon et al. disclose the driver receives an incoming call *while a passenger in the vehicle 101* uses the wireless hands-free gateway 100) via the at least one audio speaker (fig. 2, [0035]-[0036]. Specifically, Cannon et al. disclose a loudspeaker 250 (or interconnection to the vehicle's sound system)), to notify the user of a second call received via a second telephone while the first call is active (fig. 8, [0068] to [0073]. Specifically, Cannon et al. disclose the driver receives an incoming call while a passenger in the vehicle 101 uses the wireless hands-free gateway 100. Then, the driver's wireless phone 120a requests priority access to the wireless hands-free gateway 100 via communications over the established piconet

network. It should be noted that the active passenger returns to hands mode or manual mode when the driver answers the receiving call). However, Cannon et al. do not disclose to process an instruction received from the user at the user interface to suspend the first call and accept the second call over the at least one audio speaker, wherein the first call is suspended by placing the first call in a hold queue without terminating the first call, and wherein the first call is restored from the hold queue in response to a subsequent instruction from the user and is again provided to the user via the at least one audio speaker.

In the same field of endeavor, Richard discloses to process an instruction received from the user at the user interface to suspend the first call and accept the second call over the at least one audio speaker ([0112] to [0113]. Specifically, Richard discloses to answer a telephone call while already on a line, the user presses the Hold pushbutton and then presses the flashing pushbutton of the mobile line to receive the incoming call), wherein the first call is suspended by placing the first call in a hold queue without terminating the first call ([0112] to [0113]. Specifically, Richard discloses the Hold pushbutton places the call on hold until either the signal weakens to the point where the connectivity ends or the Hold pushbutton is pressed again), and wherein the first call is restored from the hold queue in response to a subsequent instruction from the user and is again provided to the user via the at least one audio speaker ([0112] to [0113]. Specifically, Richard discloses the Hold pushbutton places the call on hold until either the signal weakens to the point where the connectivity ends or the Hold pushbutton is pressed again).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hand-free gateway of Cannon et al. by specifically including process an instruction received from the user at the user interface to suspend the first call and



accept the second call over the at least one audio speaker, wherein the first call is suspended by placing the first call in a hold queue without terminating the first call, and wherein the first call is restored from the hold queue in response to a subsequent instruction from the user and is again provided to the user via the at least one audio speaker. , as taught by Richard, the motivation being in order to allow user to access a broad spectrum of information and services from the convenience of the user's vehicle.

Regarding claim 11, the combination of Cannon et al. and Richard disclose all the limitation in claim 10. Further, Cannon et al. disclose the audio system further comprising a first interface to the first telephone and a second interface to the second telephone ([0040] to [0049]).

Regarding claim 12, the combination of Cannon et al. and Richard disclose all the limitation in claim 11. Further, Cannon et al. disclose the audio system wherein the first interface is a wireless interface ([0040] to [0049]).

Regarding claim 13, the combination of Cannon et al. and Richard disclose all the limitation in claim 12. Further, Cannon et al. disclose the audio system wherein the second interface is an interface to an onboard telephony system ([0040] to [0049]).

Regarding claim 14, the combination of Cannon et al. and Richard disclose all the limitation in claim 12. Further, Cannon et al. disclose the audio system wherein the wireless interface is a Bluetooth interface ([0024] to [0029]).

Regarding claim 15, the combination of Cannon et al. and Richard disclose all the limitation in claim 13. Further, Cannon et al. disclose the audio system wherein the processor is

further configured to override any calls on the first telephone to automatically place a call on the second telephone in the event of an emergency ([0055] to [0074]).

Regarding claim 17, the combination of Cannon et al. and Richard disclose all the limitation in claim 10. Further, Richard discloses the audio system wherein the controller is further configured to place the second call into a queue if the user continues the first call ([0112] to [0113]).

Regarding claim 18, the combination of Cannon et al. and Richard disclose all the limitation in claim 10. Further, Cannon et al. disclose the audio system further comprising a voice recording subsystem in communication with the controller ([0040] to [0049]).

Regarding claim 19, the combination of Cannon et al. and Richard disclose all the limitation in claim 12. Further, Cannon et al. disclose the audio system wherein the controller is further configured to place the first call into a private mode on the first telephone when instructed by the user ([0055] to [0074]).

Regarding claim 20, the combination of Cannon et al. and Richard disclose all the limitation in claim 10. Further, Richard discloses the audio system wherein the user interface comprises a SEND button, a REJECT button, and an END button (fig. 4A to fig. 5A, [0062], [0116], [0019] and [0120]).

### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong  
AU: 2617  
Date: 06-29-2006



**DUC NGUYEN**  
**PRIMARY EXAMINER**